

## **REMARKS/ARGUMENTS**

Claims 1-30 are pending in this application. Claims 1, 15, 17-21 have been amended. Claims 23-30 were previously added. It is respectfully submitted that no new matter has been added.

Claims 1-30 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,210,829 to Haim Bitner ("Bitner").

### **Claim Rejections under 35 U.S.C. §102(b)**

Claims 1-30 were rejected under 35 U.S.C. §102(b) as being anticipated by Bitner. Bitner discloses a tape drive with an electronic buffer that temporarily stores data transferred between the host computer and the tape driver's magnetic tape. During a write transaction, in which the host computer sends data to the tape for storage, the buffer receives that data sent over the system bus by the host computer, and it temporarily stores the data until the tape mechanism has ramped up to its write velocity. The buffer has an adjustable threshold, otherwise known as a "watermark," which determines the level of data that must be present in the buffer before the mechanical assembly of the tape drive will begin to ramp the tape up to its write velocity. When the write velocity is achieved, the data in the buffer is transferred onto the tape, and the buffer is emptied so that it may receive additional data. (See Abstract).

These rejections are traversed, in part, because the cited reference fails to teach or suggest features of the presently claimed invention for loading a memory buffer as recited in the claims. For example, the cited reference fails to teach or suggest receiving an advance indication of a memory service interruption by a memory controller, as recited in claims 1, 11, and 21 and amended claims 15 and 19, and analogously in Claim 23.

Bitner states:

Similar to the operations discussed above, after the write operation which occurs during write cycle #9, the watermark will be adjusted up to 430 Kb, given that no host

stall occurred. Therefore, during write cycle #10, tape 42 does not begin winding until 430 Kb are deposited in buffer 34. At this watermark, buffer 34 is filled to its capacity, 500 Kb, at the very instant that the write operation commences emptying buffer 34. Given that no host stall occurred during write cycle #10, the watermark is advanced to 440 Kb, which has the effect of causing a host stall during write cycle #11. As can be seen by referring to the Input Rate line, the data input drops to 0 Kbps at line segment 414 for a short time as tape 42 was still ramping up and synchronizing. During this delay period, the buffer level remains flat at 500 Kbps shown by line segment 416 on the Buffer Level line.

(Bitner, Col. 14, Lines 45-61).

In other words, Bitner raises a watermark for a subsequent write session if a host fail occurs during the previous write session. The raising of the watermark is not based on an advance indication of service interruption but is based on a service interruption that has already occurred. Therefore, Claims 1, 11, 15, 19, 21, and 23, and by their dependency Claims 2-10, 12-14, 16-18, 20, 22, and 24-27 are not anticipated by Bitner under 35 U.S.C. §102(b).

The cited reference further fails to teach or suggest a video stream buffer, as recited in claims 28, nor has examiner maintained that a video stream buffer is present in Bitner. Without such a video stream buffer, Claim 28, and by their dependency Claims 29-30 are not anticipated by Bitner under 35 U.S.C. §102(b).

In view of the amendments and remarks above, reconsideration and withdrawal of the rejection of claims 1-30 under 35 U.S.C. § 102(b) is respectfully requested.

The Office Action rejected the remaining claims on analogous grounds. Because all remaining claims ultimately depend upon the independent claims, Applicant respectfully requests that the rejection of these claims be reconsidered.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No.

**11-0600.**

Respectfully submitted,

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